

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR **MILITARY/OLD MILITARY II (LGA 2004-00033)** PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 86 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 3.56 ACRES, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF MILITARY TRAIL AND OLD MILITARY TRAIL, APPROXIMATELY .5 MILE NORTH OF GATEWAY BOULEVARD, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING 5 UNITS PER ACRE (CL-O/5); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 18 & 25 and July 9, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 17, 2004 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated November 15, 2004, which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 13, 2004 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Future Land Use Atlas page 86 is amended as follows:

Application No.: Military/Old Military II (LGA 2004-00033)

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial Low-Office, with an underlying 5 units per acre (CL-O/5);

General Location: Southwest corner of Military Trail and Old Military Trail, approximately .5 mile north of Gateway Boulevard;

Size: Approximately 3.56 acres.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part

1 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
2 Ordinance may be renumbered or relettered to accomplish such, and the
3 word "ordinance" may be changed to "section," "article," or any other
4 appropriate word.

5 Part V. Effective Date

6 The effective date of this plan amendment shall be the date a
7 final order is issued by the Department of Community Affairs or
8 Administration Commission finding the amendment in compliance in
9 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
10 applicable. No development orders, development permits, or land uses
11 dependent on this amendment may be issued or commence before it has
12 become effective. If a final order of noncompliance is issued by the
13 Administration Commission, this amendment may nevertheless be made
14 effective by adoption of a resolution affirming its effective status,
15 a copy of which resolution shall be sent to the Florida Department of
16 Community Affairs, Division of Community Planning, Plan Processing
17 Team. An adopted amendment whose effective date is delayed by law
18 shall be considered part of the adopted plan until determined to be
19 not in compliance by final order of the Administration Commission.
20 Then, it shall no longer be part of the adopted plan unless the local
21 government adopts a resolution affirming its effectiveness in the
22 manner provided by law.

23 APPROVED AND ADOPTED by the Board of County Commissioners of
24 Palm Beach County, on the 13 day of December, 2004.

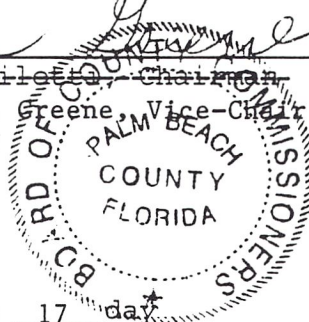
25 ATTEST:
26 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

27
28
29 By: Donna Cetura
30 Deputy Clerk

By: Addie L. Greene
31 ~~Tony Masiotta, Chairman~~
32 Addie L. Greene, Vice-Chair

33 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
34 [Signature]
35 COUNTY ATTORNEY



36
37 Filed with the Department of State on the 17 day
38 of December, 2004.

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41 T:\Planning\AMEND\04-2\admin\bccadopt\Ordinances\Military-Old Military II.doc

EXHIBIT 1

Amendment No.: Military/Old Military II (LGA 2004-00033)

FLUA Page No.: 86

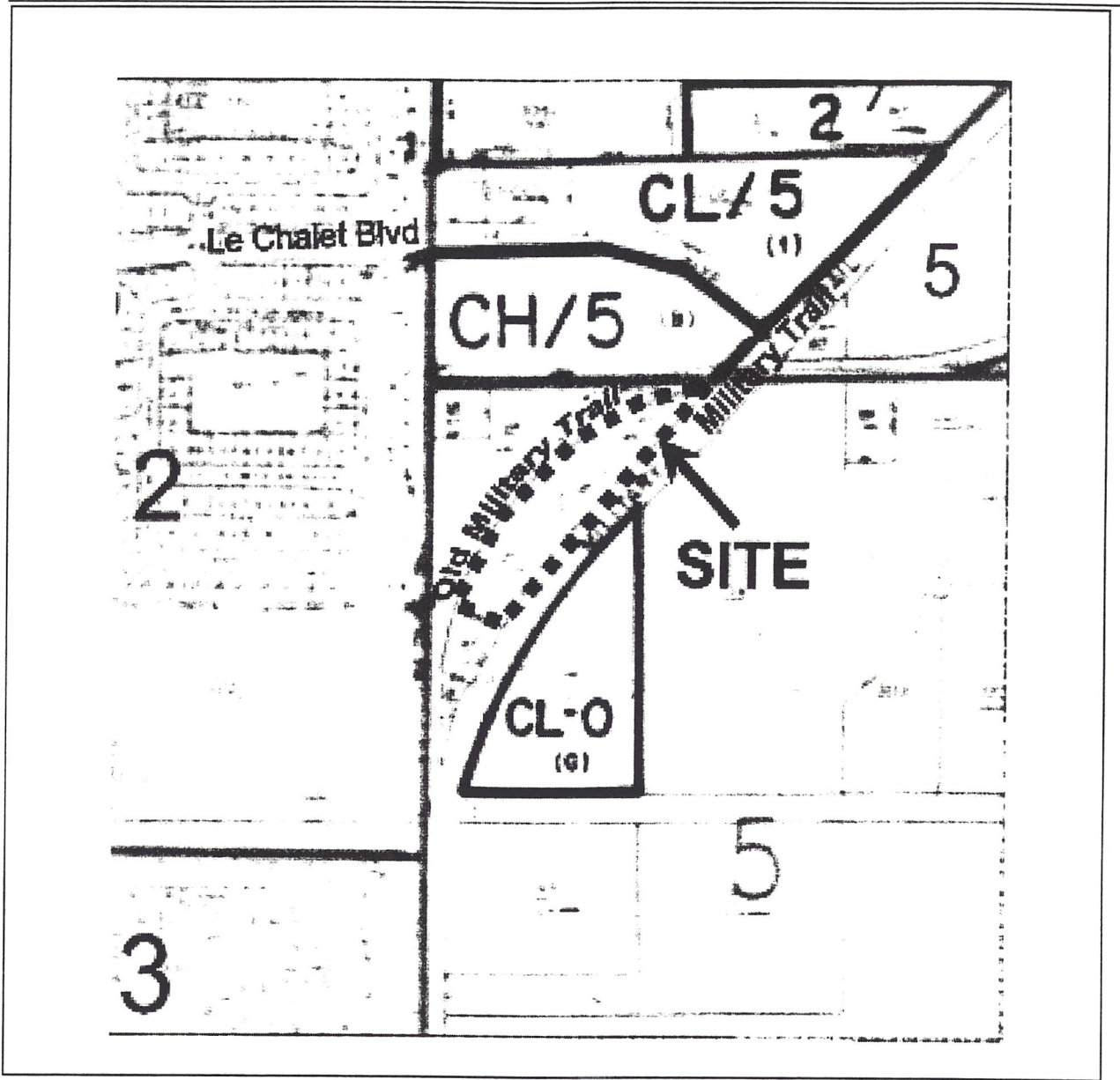
Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial Low-Office, with an underlying 5 units per acre (CL-O/5)

Location: Southwest corner of Military Trail and Old Military Trail, approximately .5 mile north of Gateway Boulevard

Size: Approximately 3.56 acres

Property No.: 00-42-45-13-00-000-3131, 00-42-45-13-00-000-3130 & 00-42-45-13-00-000-3110

Conditions: None



LEGAL DESCRIPTION:

PROPERTY CONTROL NO.: 00-42-45-13-00-000-3110

A PORTION OF THE WEST ONE-HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LYING BETWEEN THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO 809 (MILITARY TRAIL) AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF A 16 FT. PAVED COUNTY ROAD (FORMERLY MILITARY TRAIL) AS NOW EXISTS, LESS THE EAST 218.96 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 440.54 FEET TO A POINT; THENCE SOUTHERLY ON A LINE PARALLEL TO AND 218.96 FEET WEST OF THE EAST LINE OF THE WEST ON HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 227.05 FEET FOR A POINT OF BEGINNING BEING, IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF A 16 FT. PAVED ROAD (FORMERLY MILITARY TRAIL); THENCE CONTINUE SOUTHERLY ALONG SAID LINE A DISTANCE OF 272.95 FEET TO A POINT IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 809 (MILITARY TRAIL); THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, AND HAVING A RADIUS OF 1960.08 FEET A DISTANCE OF 360 FEET; THENCE NORTH SIXTY (60) DEGREES WEST TO THE EASTERLY RIGHT-OF-WAY LINE OF THE ABOVE MENTIONED 16 FOOT PAVED COUNTY ROAD (FORMERLY MILITARY TRAIL); THENCE ALONG THE ARC OF A CURVE CONVEX TO THE NORTHEAST AND HAVING A RADIUS OF 1009.04 FEET, THE EASTERLY RIGHT-OF-WAY LINE OF THE ABOVE MENTIONED COUNTY ROAD FORMERLY (MILITARY TRAIL) TO THE POINT OF BEGINNING.

LESS THE SOUTHEASTERLY 10 FEET THEREOF FOR ROAD RIGHT OF WAY FOR MILITARY TRAIL (STATE ROAD 809),

CONTAINING 88,167 SQUARE FEET, **(2.024 ACRES)** MORE OR LESS

PROPERTY CONTROL NO.: 00-42-45-13-00-000-3130

A TRACT OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER NW 1/4), OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE N 00° 27' 10" W, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 1323.18 FEET TO A POINT; THENCE N 89° 59' 21" E, A DISTANCE OF 440.54 FEET TO A POINT; THENCE S 00° 27' 32" E, A DISTANCE OF 227.05 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF A 66 FOOT WIDE COUNTY ROAD RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE CONTINUE S 0° 27' 32" E, A DISTANCE OF 272.95 FEET TO A POINT ON A CURVE AND BEING THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 809 (MILITARY TRAIL); THENCE NORTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE HAVING A RADIUS OF 1960.08 FEET, A DISTANCE OF 130.43 FEET TO THE END OF SAID CURVE; THENCE N 44° 56' 49" E, ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 104.6 FEET TO A POINT; THENCE N 40° 46' 31" W, A DISTANCE OF 181.87 FEET TO A POINT ON A CURVE, SAID POINT ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF A 66 FOOT WIDE COUNTY ROAD; THENCE SOUTHWESTERLY ALONG SAID CURVED SOUTHERLY RIGHT OF WAY, A DISTANCE OF 58 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

LESS THE SOUTHEASTERLY 10 FEET THEREOF FOR ROAD RIGHT OF WAY FOR MILITARY TRAIL (STATE ROAD 809).

CONTAINING 25,043 SQUARE FEET, (0.57 ACRES) MORE OR LESS

LESS THE FOLLOWING' PARCEL 'A'

A TRACT OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4), OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST) THENCE N 00° 27' 10" W, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 1323.18 FEET, TO A POINT; THENCE N 89° 59' 21" E, A DISTANCE OF 440.54 FEET, TO A POINT; THENCE S 00° 27' 32" E, A DISTANCE OF 500.00 FEET TO A POINT ON A CURVE, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY LINE, FOR THE 100 FOOT RIGHT OF WAY FOR STATE ROAD 809, (MILITARY TRAIL); THENCE NORTHEASTERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE HAVING A RADIUS OF 1960.08 FEET, CONCAVE SOUTHEASTERLY THROUGH A CENTRAL ANGLE: OF 3° 38' 46", A DISTANCE OF 130.43 FEET TO THE END OF SAID CURVE; THENCE N 44° 56' 49" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 104.6 FEET TO A POINT; THENCE WITH A BEARING OF N 40° 46' 31" W, A DISTANCE OF 10.03 FEET TO A POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE SOUTHWESTERLY CORNER OF THE DEDICATED ADDITIONAL 10.00 FOOT RIGHT OF WAY FOR MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 5906, PAGE 1624, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WITH A BEARING OF S 44° 56' 49" W, ALONG THE WEST RIGHT OF WAY LINE FOR A 120 FOOT WIDE RIGHT OF WAY, A DISTANCE OF 23.50 FEET TO A POINT; THENCE WITH A BEARING OF N 31° 33' 49" W, A DISTANCE OF 98.14 FEET TO A POINT; THENCE WITH A BEARING OF N 00° 00' 00" E, A DISTANCE OF 11.85 FEET TO A POINT; THENCE S 40° 46' 31" E, A DISTANCE OF 104.09 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 1524 SQUARE FEET, (0.035 ACRES) MORE OR. LESS FOR A TOTAL OF **(.535 ACRES)** MORE OR LESS

PROPERTY CONTROL NO.: 00-42-45-13-00-000-3131

A TRACT OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4), OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE N 00° 27' 10" W, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 1323.18 FEET TO A POINT; THENCE N 89° 59' 21" E, A DISTANCE OF 440.54 FEET, TO A POINT; THENCE S 00° 27' 32" E, A DISTANCE OF 500.00 FEET TO A POINT ON A CURVE, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 809, (MILITARY TRAIL); THENCE NORTHEASTERLY ALONG SAID WESTERLY RIGHT OF LINE HAVING A RADIUS OF 1960.08 FEET, CONCAVE SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 3° 48' 46", A DISTANCE OF 130.43 FEET TO THE END OF SAID CURVE; THENCE N 44° 56' 49" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 104.6 FEET TO THE POINT OF BEGINNING; THENCE N 40° 46' 31" W, A DISTANCE OF 181.87 FEET TO A POINT OF A CURVE; SAID POINT ALSO BEING THE SOUTHERLY RIGHT OF WAY OF A 66 FOOT WIDE COUNTY ROAD; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 509 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 809; THENCE S 44° 56' 49" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 421.62 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LESS THE SOUTHEASTERLY 10 FEET THEREOF FOR ROAD RIGHT OF WAY FOR MILITARY TRAIL (STATE ROAD 809).

CONTAINING 42,034 SQUARE FEET, (0.965 ACRES) MORE OR LESS

TOGETHER WITH' PARCEL 'A'

A TRACT OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4), OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 42 EAST; THENCE N 00° 27' 10" W, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 1323.18 FEET, TO A POINT; THENCE N 89° 59' 21" E, A DISTANCE OF 440.54 FEET, TO A POINT; THENCE S 00° 27' 32" E, A DISTANCE OF 500.00 FEET TO A POINT ON A CURVE, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY LINE, FOR THE 100 FOOT RIGHT OF WAY FOR STATE ROAD 809, (MILITARY TRAIL); THENCE NORTHEASTERLY, ALONG

SAID WESTERLY RIGHT OF WAY LINE HAVING A RADIUS OF 1960.08 FEET, CONCAVE SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 3° 38' 46", A DISTANCE OF 130.43 FEET TO THE END OF SAID CURVE; THENCE N 44° 56' 49" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 104.6 FEET TO A POINT; THENCE WITH A BEARING OF N. 40° 46' 31" W, A DISTANCE OF 10.03 FEET TO A POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE SOUTHWESTERLY CORNER OF THE DEDICATED ADDITIONAL 10.00 FOOT RIGHT OF WAY FOR MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 5906, PAGE 1624, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WITH A BEARING OF S 44° 56' 49" W, ALONG THE WEST RIGHT OF WAY LINE FOR A 120 FOOT WIDE RIGHT OF WAY, A DISTANCE OF 23.50 FEET TO A POINT; THENCE WITH A BEARING OF N 31° 33' 49" W, A DISTANCE OF 98.14 FEET TO A POINT; THENCE WITH A BEARING OF N 00° 00' 00" E, A DISTANCE OF 11.85 FEET TO A POINT; THENCE S 40° 46' 31" E, A DISTANCE OF 104.09 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 1524 SQUARE FEET, (0.035 ACRES) MORE OR LESS FOR A TOTAL OF **(1.0 ACRES)** MORE OR LESS.

THE ACREAGE OF THE THREE PARCELS IS: **2.024 ACRES PLUS .535 ACRES PLUS 1.0 ACRES FOR A TOTAL OF 3.56 ACRES.**

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on December 13, 2004
dated at West Palm Beach, FL on 1/28/05
By: Sharon Bock
Deputy Clerk

